

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Maria V. Artiaga**  
**5307 W. Zeamer**  
**Lincoln, NE 68524**

From: **St Louis District Office - 560**  
**Robert A. Young Bldg**  
**1222 Spruce Street**  
**Saint Louis, MO 63103**



On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

**32C-2006-00015**

**Joseph J. Wilson,**  
**Investigator**

**(314) 539-7816**

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

**Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA):** This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in a federal or state court WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

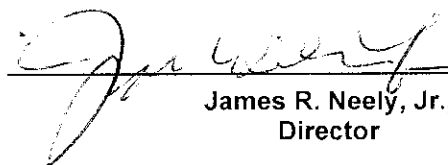


The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

  
**James R. Neely, Jr.,**  
**Director**

**6/13/06**

(Date Mailed)

Enclosures(s)

cc: **Jill Jensen**  
**Cline, Williams, et al**  
**1900 U.S. Bank Bldg.**  
**233 South 13<sup>th</sup> Street**  
**Lincoln, NE 68508-2095**

**Jeffrey R. Kirkpatrick**  
**McHenry, Haszard, et al**  
**P.O. Box 82426**  
**702 Lincoln Sq, 131 South 13<sup>th</sup> Street**  
**Lincoln, NE 68501-2426**

**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit **before 7/1/02** -- not 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII and the ADA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice, if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. **If you need help in finding a lawyer, you may call (314) 539-7911 in St. Louis, (913) 551-5846 in Kansas City, or (405) 231-5349 in Oklahoma City.** If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly **in writing** and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**

## CHARGE OF DISCRIMINATION

ENTER CHARGE NUMBER

☐ FEPA  
☒ EEOC 32C A6 00015  
 LCHR 05-1214-057-E-R

## NEBRASKA EQUAL OPPORTUNITY COMMISSION, LINCOLN COMMISSION ON HUMAN RIGHTS and EEOC

(State or local Agency, if any)

NAME (Indicate Mr., Ms., or Mrs.)

Ms. Maria Veronica Artiaga

HOME TELEPHONE (Indicate Area Code)

(402) 540-2204

STREET ADDRESS

5307 W. Zeamer

CITY, STATE AND ZIP CODE

Lincoln, NE 68524

COUNTY

Lancaster

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below)

NAME

People's Health Center

NO. OF EMPLOYEES

25+

TELEPHONE NO.

(402) 476-1640

STREET ADDRESS

1021 N. 27th Street

CITY, STATE AND ZIP CODE

Lincoln, NE 68503

NAME

RECEIVED

DEC 19 2005

TELEPHONE NO.

STREET ADDRESS

CITY, STATE AND ZIP CODE

EEOC DENVER  
DISTRICT OFFICE

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☐ AGE ☐ RETALIATION ☒ DISABILITY

DATE MOST RECENT OR CONTINUING

DISCRIMINATION TOOK PLACE (Month, day year)

July 5, 2005

THE PARTICULARS ARE (If additional space is needed, attached extra sheet(s)):

I have been discriminated against based on my disability in violation of Title 11 of the Lincoln Municipal Code, the Nebraska Fair Employment Practices Act, and the Americans with Disabilities Act, because:

1. I am disabled as defined by Title 11 of the Lincoln Municipal Code.
2. On or about October 2, 2004, I was hired in a part-time position as a language interpreter. On or about October 19, 2004, I was diagnosed with breast cancer and was encouraged by my supervisor, Becky (last name unknown), to take a medical leave of absence from my job. Becky assured me that I would not lose my job, and informed me that they would hire a temporary replacement while I was on leave.
3. My leave of absence commenced on or about November 15, 2004, and at the end of January 2005, after my first chemotherapy treatment, I informed Becky that my doctor was willing to release me to return to work. After speaking with Dr. Paulus, who is employed by the Respondent, Becky informed me that they felt it was best that I finish my treatment before returning to work. She also informed me at this time that Respondent would keep me on an on-call basis.

"CONTINUED ON ATTACHED PAGE"

☒ I also want this charge filed with the EEOC.  
 I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary to meet State and Local Requirements)

COUNTY OF LANCASTER

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

DATE

CHARGING PARTY (Signature)

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)

14<sup>th</sup> of Dec-2005

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4. In May 2005, I finished my chemotherapy treatment, but Respondent did not allow me to return to work. I was informed by Cecilia Creighton, Executive Director, that due to the Respondent not receiving a grant, my position was going to be eliminated.
5. In the beginning of July 2005, I spoke to Becky about my position and the fact that my replacement was still performing my job duties. Becky stated, "Why break something that's not broken." She also informed me that I no longer had a position with the Respondent.
6. Since July 2005, the Respondent has received grant money and has filled open positions that I am qualified for.
7. I am able to perform the essential functions of my position with or without a reasonable accommodation.

Maria V. Artiaga  
12-14-05

Angela Y. Worton  
12-14-05

